

IS IT PADDED?

Claimed That Senate Journal Was Stuffed by Sheldon.

Charged That the Tax Bill Was Inserted

TO INCREASE FEES.

Bulky Copy Added at So Much Per Folio.

Commission Ordered That It Be Not Printed.

George B. Munson, who was clerk of the state tax commission, and who also served as clerk for the senate committee on revision of the journal, claims that Charles Sheldon, secretary of the senate, "padded" the senate journal by insertion of the tax bill surreptitiously after the journal revision committee had ordered that the bill be omitted. The revision committee of the senate journal was composed of Senators Wright, Morehouse and Sponable. "The committee on revision of the journal," says Mr. Munson, "cut out all the matter pertaining to the ill-fated tax bill, save only to show the action of the senate fully in the premises, and Sheldon published the report of the tax commission as an appendix to the journal, furnishing a printed copy of the report to the printer and drawing pay for it as printer's copy. The senate committee on revision of the journal was Wright, Sponable and Morehouse, and it was understood that the journal was to be published as revised by the committee, but Sheldon did not stand hitched after the session adjourned."

Munson says that all the printer's copy as well as the "original journal" was prepared by the senate journal foreman without the attention or supervision of Sheldon. "The senate journal," says Munson, "was proof read and revised day by day by the clerk of the senate committee on revision of the journal, who held, and the corrected copy returned to the printer who then printed the 'signatures' for the journal to be published at the close of the session, and when the session closed, there only remained three or four days' copy to be printed. The rest was all ready for the binder. The unprinted copy of the journal, which was the secretary of state, which netted Sheldon a large sum of money was made by copying these printed 'signatures' and save for the index, Sheldon never edited or compiled a page of the whole work except the matter pertaining to the closing days after the work was over."

In explanation of the technical term "signature" used by Mr. Munson, it may be stated that a signature is a certain number of pages of a book printed at one time.

There is said to have been some difficulty between Mr. Sheldon and Mr. Munson, which perhaps accounts for the readiness of Sheldon to publish the story of the alleged "padding" of the senate journal. Sheldon claims that the tax bill had to be published in the journal in order to comply with the provisions of the act which created the tax commission. This provision is as follows: "It shall be the duty of the auditor of state (who is a member of the commission ex-officio) to make his written report, submitting and presenting to the next session of the legislature the records and bills of said board for the consideration and action of such legislature."

The tax bill which was printed in the journal in two branches of the legislature was the one which was reported by Mr. Cole, then state auditor. Mr. Sheldon claims that as the act creating the tax commission required the commission to report a bill to the legislature it would necessarily follow that a copy of that bill be included in the journal.

Sheldon's fees for the session amounted to \$2,360.

IS STILL UNCONSCIOUS.

E. E. Wilson in Comatose Condition, Recognizing No One.

Helle Plaine, Kan., July 30.—E. E. Wilson, the ex-county auditor of Sumner county, who returned to the home of his father-in-law, ex-Senator Forney, yesterday, is still in a precarious condition. He has regained consciousness only once or twice, and that momentarily, since his arrival. He recognizes no one. A railroad ticket in his pocket shows a paid fare from Clarkburg, West Virginia, to Wellington.

Mr. Wilson is thought to have been in Clarkburg as he has relatives in that vicinity, but why the conductor failed to collect the ticket is not made clear.

TEN STRIKERS KILLED.

Russian Troops Fire Volley Into a Crowd.

St. Petersburg, July 30.—Ten striking workmen were killed and many were wounded as the result of a volley fired by troops at Mikhailovo on the Tiflis-Batumi railway July 29. The strikers attempted to stop trains and a detachment of 40 soldiers was summoned. The soldiers were greeted with a shower of stones and one revolver shot. After repeated warnings the troops were ordered to fire. The street car station in the vicinity is suspended in consequence of a strike of drivers and conductors for higher wages.

A Preacher Drowns While Bathing

St. Louis, July 30.—A special to the Post-Dispatch from Cape Girardeau, Mo., says: Rev. J. L. Alsworth, pastor of the Presbyterian church of this city, was drowned while bathing in the Mississippi river here. His body has not yet been recovered. He was 30 years old, and leaves a wife and two children.

Aged Salina Woman Dead.

Salina, Kan., July 30.—Mrs. Hannah Taylor, colored, aged 91 years, died last night after a short illness. The woman's husband, David Taylor, who is about 117 years of age, is very ill and may not live long. He is the oldest person in the state.

TRAVEL IN NIGHT CLOTHES

Two Young Women Left in Sorry Plight by Switching of Cars.

Des Moines, July 30.—Clad in lace and lingerie, the Misses Kate Catter and Olive Arthur, each aged about 18, bound for Omaha from Minneapolis, stopped at the Minneapolis and St. Louis flyer as it was spinning on its wheels. Des Moines at 3 o'clock this morning. With tears in their eyes they pleaded with the conductor to stop the train when it had almost reached the Illinois and back all the way to Fort Dodge in order to place them on the Omaha sleeper, which contained the remaining portion of their wardrobe. The train arrived at the union station just as the Illinois Central passenger started for Omaha. The train was flagged, and the two sleepers backed close together. Through the hidden confines of the vestibules the two young women then slipped to their own berths in the Omaha sleeper. They said that arising to perform early morning ablutions, they had found the toilet compartment in their sleeper locked. "Then, therefore, we went into the car beyond," the Omaha sleeper from Minneapolis is set off by the Minneapolis and St. Louis train at Fort Dodge and taken up by the Illinois Central. The young women did not know they had been started for Des Moines on the Minneapolis and St. Louis until they started back for their own sleepers and found it gone.

GENERAL RAIN.

Greater Part of Kansas Visited by Showers.

Good Rain Fell from Clay Center East.

The rain in Topeka up to 2 o'clock this afternoon measured 19 hundredths of an inch.

Reports indicate that rain has been general over Kansas Wednesday night and today.

Observer Montgomery said today: "The rain seems to be general over Kansas last night. There were heavy rains in Texas, Missouri and Arkansas last night and the indications are for more showers."

According to the report of Geo. W. Hanna, of Clay Center, who came down to Topeka from that point this morning, the rain which started to fall here at about 11 o'clock extended as far west as Clay Center. Mr. Hanna says that when he left home on the Rock Island early this morning it started to rain and rained as far east as Manhattan, where the train left the station. About three hours afterward the rain reached Topeka.

No far none of the railroads have received reports of rain today, but it is thought that with the exception of a few districts the rain was general over the western part of the state. Rock Island officials report that the rain on their line extended as far west as McFarland. Some rain fell as far west as Clay Center, but it was very light. The rain in the western and northern Kansas divisions of the Rock Island is looked for, as the sky is clouded.

Rain was recorded as follows at the Kansas stations last night: Dodge City, 23; Drexler, .08; Fort Scott, 12; Macksville, .42; Sedan, 12; Toronto, .14; Wichita, .08; Concordia, trace.

Topeka is not the only spot on the map today. The temperature at Lisbon, N. D., this morning was 36 degrees. At Oberlin, Tenn., the temperature was 36 degrees. At Devils Lake, N. D., it was 38, and at Campbell, N. D., it was 39. At Devils Lake, N. D., it was 38, and at Campbell, N. D., it was 39. At Devils Lake, N. D., it was 38, and at Campbell, N. D., it was 39.

The corn and wheat region bulletin says: "The temperature has fallen all over Kansas and western Missouri. Rain has fallen in the western and southern counties of this state, and this morning the weather is generally cloudy with rain still falling at Dodge City and Manhattan."

The forecast today is "Generally fair tonight. Possibly local showers Friday; warmer Friday."

Maximum and minimum temperatures reported by Kansas stations for the 24 hours ending this morning are as follows: Baker, 86, 58; Concordia, 88, 62; Drexler, 84, 59; Drexler, 86, 54; Fort Scott, 92, 68; Macksville, 92, 62; Oberlin, 92, 68; Manhattan, 90, 62; Osage City, 92, 62; Sedan, 94, 68; Topeka, 85, 64; Toronto, 92, 64; Wichita, 84, 70.

Today's hourly temperatures recorded were as follows:

7 o'clock.....	65	11 o'clock.....	85
8 o'clock.....	66	12 o'clock.....	82
9 o'clock.....	67	1 o'clock.....	80
10 o'clock.....	67	2 o'clock.....	65

TO MEET CROWN PRINCE

Admiral Cotton Has Honors Showered Upon Him.

Liebon, July 30.—Rear Admiral Cotton, commanding the United States European squadron now in these waters, will be escorted today to the crown prince, Louis Philippe, and to the Infante Manuel, second son of King Charles, who will accompany his majesty when he visits the American warships.

The Portuguese newspapers are referring approvingly to the speech made by King Charles when he received Admiral Cotton and the other American officers and entertained them at the royal castle at Cintra on Monday last. His majesty expressed himself in such sympathetic terms in regard to President Roosevelt and the people of the United States that the cabinet members were really affected by the king's remarks. The papers are full of glowing tributes to the speech delivered by Admiral Cotton at the banquet Tuesday night, given in honor of the American naval officers by the ministry of marine at the arsenal, at which all the cabinet ministers were present. His eulogistic references to Portugal are much appreciated by the press.

Judge Gray Accepts.

Wilmington, Del., July 30.—Judge George Gray decided today to accept the appointment as the fifth member of the Alabama coal strike commission, which is to settle by arbitration the trouble of the Alabama miners over wages.

Heavy Rain Around Abilene.

NOT SO EASY.

New Form Prescribed for Admission to the Bar.

Diplomas Will Not Be Accepted Hereafter.

COMMITTEE TO DECIDE.

Will Pass on Qualifications of All Applicants.

Examinations Will Be Held in Supreme Court.

The State Bar association at its last meeting, proposed that a state examining board be appointed to examine all candidates for admission, and that the examination be made a real test of the applicant's ability. By such a plan it was believed that the standing of the Kansas legal profession could be materially raised. This proposition of the Bar association was embodied in a law and passed by the legislature last winter.

At the meeting of the examining board held this week at the office of the clerk of the supreme court, it was decided to enforce some new rules which will raise the standing of the legal profession in Kansas considerably.

Some twenty-five years ago, when Popenick's palatial saloon was running where the Sixth Avenue hotel now stands in this city, a board was duly appointed by the district court to perform its function known as the examination of a candidate for admission to the bar. The first question put to the candidate for admission was as follows:

"Which would you say was the correct form, 'Gentlemen, will you come over to Popenick's saloon and have a drink' or 'Will you come over to Popenick's saloon and have a drink, gentlemen'?"

"I would say," replied the candidate, "Gentlemen, will you come over to Popenick's saloon and have a drink, gentlemen?"

"Certainly we will," replied the members of the board in chorus, and as soon as the certificate for the young man to practice law could be made out they went.

This story is told by lawyers to illustrate the ease and facility which has characterized admission to the bar in the state of Kansas. Plainly speaking, the "examination" for admission is a farce.

"His Jones" described very humorously this old form of admission to the bar by way of a bar.

THE FOREIGN ATTORNEYS. Attorneys who come here to Kansas from some other state, and begin the practice of law here, no matter how long they have practiced in their own state, will have to take an examination before the examining board before they will be allowed to practice here.

Graduates from the State university law school, the Washburn law school, or any other law school, will have to take an examination before the examining board before they will be allowed to practice here.

There are only two classes of attorneys who will be exempt from taking the examination:

First—The attorneys who have been practicing law in the state prior to July 1, 1903, the date upon which the supreme court adopted the new examination rules.

Second—Attorneys who come to Kansas temporarily to plead some special case.

EXAMINATION WILL TAKE THREE DAYS.

Under the plan outlined by the board of examiners, there are forty legal topics upon which all candidates must be examined. There will be thirty questions under each topic, making a total of 1,200 questions.

It is estimated that it will require three days for the board to give such an examination, which will be partly written and partly oral, probably the most of it being written.

If an applicant fails in the examination, he is not allowed to take a subsequent examination within a period of six months. He must wait until he has been recommended by three members of the board.

The board will require certain general educational qualifications. It will probably be required that the student shall have studied a certain amount of Latin, and a three years' course in English will also be required. A high school diploma will also be required.

Every man who applies for permission to take this examination must put up a cash of \$10 for the privilege. If he "flunks" he gets his money back. Otherwise, it goes into a fund out of which the examining board is paid.

Each member of the board—there are three—has a paid salary and expenses for his services while actively engaged in the work of the board. It is probable that the time which the board is spending in preliminary work will be spent in on the pay time.

From this time on there will be no more "examinations" of applicants by a committee of lawyers appointed by the judge of the district court. Everybody who wants to practice law must come to Topeka to be examined. Examinations are held on the second Mondays of February, June and October.

There are already 39 applications on file for the first examination which will take place October 14, in the supreme court room.

On August 20, the board will hold another meeting here for the purpose of drawing up a plan of examination, and getting the topics arranged in the proper order for presentation to the applicants.

The members of the examining board are J. D. McFarland of Topeka, president; L. H. Perkins of Kansas City; J. H. Buckman, Winfield; C. F. Hutchings, Kansas City; R. F. Thompson, Minneapolis.

Makes It Easy for Chinese.

CLOSE THE BANK

Comptroller of the Currency Swoops Down on It.

Doylestown National in Hands of a Receiver.

NOTICE ON THE DOOR

Causes Great Excitement Among the Depositors.

Institution Held a Large Amount of People's Money.

Washington, July 30.—The Doylestown National bank of Doylestown, Pa., has been closed by the controller of the currency. Bank Examiner J. W. Schofield, has been appointed receiver.

The statement issued by the controller of the currency says that the failure of the bank was brought about by speculation in stocks on the part of the officers and a number of the customers of the bank.

Doylestown, Pa., July 30.—The following notice was posted on the door of the Doylestown National bank today:

"This bank closed and in the hands of the controller of the currency. (Signed) T. P. KANE, Deputy Comptroller of the Currency. J. W. SCHOFIELD, National Bank Examiner."

The posting of the notice caused considerable excitement in the town as the deposits of the institution are large. The bank examiners have been working on the books for two days past, but no statement has been issued either by them or the officers of the bank.

The capital of the bank was \$105,000 and the last report to the controller showed: Surplus and profits, \$13,789; deposits over \$1,000,000; loans and discounts and stock and securities, \$1,051,360.

The bank is one of the oldest in the state. The president of the bank is Henry Lee, a prominent lawyer and candidate for judge on the Republican ticket.

"The losses," said Deputy Comptroller Kane today, "will absorb the entire surplus and capital stock of the bank. In other words, the total loss will be \$105,000. It involves upon the directors and stockholders to make up this deficiency."

Francis L. Worthington, a director, said: "The president and cashier ran things to suit themselves. I suppose I will lose all through mismanagement of the officers. No one suspected anything wrong. I understand there was some speculation—Consolidated Lake Superior, I believe, and that stock most of the money may have been sunk."

Ed P. Brock, cashier, declined to reply to the accusations of Mr. Worthington, saying: "Our investments did not turn out as well as we expected."

NO MORE DEATHS.

The List of Explosion Victims Stands at Twenty-five.

Lowell, Mass., July 30.—No further deaths among the injured by the magazine explosion of yesterday in South Lowell had occurred today at the hospital where the most seriously injured were taken.

The condition of Clarence Goodwin, 60 years old, who was in charge of the employees at the store house, is most critical. He is recovering from the effects of a severe shock.

Of the dead the bodies of George Flynn, Louis E. Richard and James Grady, employees of the United States Cartridge company, had not been recovered. It is thought they were blown to atoms.

An eleven-year-old boy reported to have been burned to death in the wreckage of a dwelling in spite of desperate efforts to rescue him.

There is for possible deaths among injured it is not anticipated that the death list will exceed twenty-five.

TRAIL IS LOST.

Pursuers Have No Trace of Escaped Convicts.

Sacramento, Cal., July 30.—A special to the Bee from the Folsom state prison says that the latest reports received show that the militia have had absolutely no trace of the escaped convicts since Monday night.

Each member of the board—there are three—has a paid salary and expenses for his services while actively engaged in the work of the board. It is probable that the time which the board is spending in preliminary work will be spent in on the pay time.

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SIXTEEN ARRESTS

Result from the Mysterious Murder of a Foreman.

Pueblo, Colo., July 30.—Le Roy R. Masterson, a foreman at the Steel works was murdered shortly after midnight last night while lying asleep. Suspicion rests on members of a gang of laborers of which the dead man had charge and sixteen of them have been arrested charged with the crime. Masterson had trouble with some of the employees previously and discharged three men. It was thought in revenue for this the deed was committed. The weapon used was a shovel and he was struck three times on the head, fracturing the skull.

Weather Indications.

Chicago, July 30.—Forecast—Kansas: Generally fair tonight; possibly local showers Friday; warmer Friday; north-east to southerly winds.

Discount Rate Unchanged.

London, July 30.—The rate of discount of the Bank of England remains unchanged at 3 per cent.

LAST TRIBUTE.

Third Great Requiem Mass for the Late Pope.

Celebrated in the Sistine Chapel of the Vatican.

GORGEOUS UNIFORMS.

All the Cardinals in the City Attended But One.

Prayers Offered That a Worthy Successor May Be Chosen.

Rome, July 30.—The last tribute was paid to the late Pope Leo XIII. this morning with the third great requiem mass celebrated in the Sistine chapel of the vatican and the function was no less ceremonious and imposing than the two others. While there were perhaps fewer persons present there was a great display of gorgeous uniforms. Of the 62 cardinals now in Rome all attended the mass except Cardinal Cretoni, prefect of the congregation of sacred relics, who was ill.

The picture presented by the procession of cardinals, in violet robes and red capes bordered with ermine, escorted by noble guards in scarlet uniforms and with drawn swords, the scene being softened by the clouds of incense and the chapel resounding with the strains of the incomparable Sistine choir singing "Libera Me Domine," made those present feel as though lifted into another world.

In the churches of Rome today began the offering of prayers to the Holy Ghost to assist and enlighten the cardinals to choose the right man to sit in the chair of St. Peter.

During the convulsive Blessed Sacrament will be exposed in several churches for the special prayers of the faithful, with the same object in view.

The mayor of Carpineto, the birthplace of Pope Leo, who proposed to erect with local contributions a monument to Leo XIII on top of the Lepini mountains, surrounding the village of Carpineto, finding that his project checked by the large amount of money required, intends to make it an international tribute to the late pontiff and will ask all countries to join in the movement. It is expected that considerable contributions, especially from America.

WILL PROPHECY COME TRUE? People are now recalling a prophecy which, at the time it was made, produced considerable talk among the superstitious who held it to be an indication of who will be the next pope, so much so that several large bets were made in favor of the cardinal indicated by the prophecy. Many years ago the late Cardinal Parocchi, who was not appointed a bishop, one day met an old woman in the country. She was a typical witch in appearance, and planted herself before Parocchi, saying:

"The name of Santa Rufina will be the next pope."

The woman refused to say anything more. Parocchi repeated the tale which gained added circulation when he was appointed to that see, and before his death he was considered to be the most likely successor of Pope Leo. When Parocchi was dying he repeated the prophecy of the old woman. The famous bishop of Santa Rufina was afterwards given to Cardinal Serafino Vannutelli and now people are asking themselves will the prophecy come true after all?

The representatives of France, Spain, Russia, Portugal, Bavaria and Belgium accredited to the vatican have informed Cardinal Gregis, dean of the sacred college, that their respective governments have received from the Italian foreign office most excellent assurances that all the necessary measures have been taken to ensure material and moral liberty of the conclave.

DRIVEN OUT OF TOWN.

Members of Miners' Union Expelled from Idaho Springs.

Idaho Springs, Colo., July 30.—After a meeting of business men 500 citizens of Idaho Springs went to the city jail and took four of the men who had been driven out of town by the blowing up of the Sun and Moon mine, marched them to the city limits and told them to leave the place and never return.

The men driven out include Howard Treasider, president of the local union; A. D. Wolcott, vice president; George Becker, secretary; Peter Bender, treasurer, and two or three members of the executive committee. All the others are prominent members of the union.

Some of the men complained that they had no money, and a purse was made up for them. Everything was done in an orderly manner, and not a rough word or act was indulged in toward the men.

At the meeting at which the action was determined upon it is said fully 80 per cent. of the city's business men were represented. It was presided over by F. D. Colman, city attorney, and addressed by President Hauchett of the First National bank and others equally prominent.

The other prisoners were taken to Georgetown, the county seat, last evening.

RIGHT TO PICKET.

It Is Accorded Labor Unions by Judge Kavanaugh.

Chicago, July 30.—Judge Kavanaugh in a decision today decided that labor unions have the right to place pickets about a plant where a strike is in progress, and he also declared that workmen have the right to persuade workmen to quit work.

The jurist furthermore held that sending men to jail upon affidavits that they have violated an injunction is unjust. Judge Kavanaugh's decision is directly opposite to decisions rendered in the superior courts.

TEMPERATURES OF LARGE CITIES.

Chicago, July 30.—7 a. m. temperatures: New York, 74; Boston, 74; Philadelphia, 78; Washington, 78; Chicago, 82; Minneapolis, 82; Cincinnati, 73; St. Louis, 72.

MR. LOW INJURED.

Sprained His Back While Lifting a Buggy.

Mr. M. A. Low, general attorney for the Rock Island system, is laid up temporarily at his home with a sprained back.

Mr. Low is a great lover of horses, and has some fine ones, both here and at his farm at Horton. His chief recreation in Topeka, what little time he now spends here, is in driving. A few nights ago he lifted a buggy around, and in doing so sprained his back so that he can't get around.

DOUBT FRAUD STORIES.

Officials Do Not Credit Reports from the Southwest.

Washington, July 30.—C. E. McGinnis, the assistant superintendent of the railway mail service, who has been on an inspection tour in the southwest, reached Washington this morning. The second assistant postmaster general stated this afternoon that he did not know of the extensive frauds which it was reported McGinnis unearthed while in Indian Territory. He was much inclined to believe the reports.

Careful inquiry made it apparent that the postal officials do not know anything about the situation in the southwest, and it is probable when an opportunity presents McGinnis will probably be questioned carefully. That anything so important as the reported star route frauds in the southwest should have occurred and the fact not reach the second assistant postmaster general was not much more important than McGinnis reports will bring out, or that the postal officials here are not in touch with what is really occurring in their division of the responsibility of the department.

So far the second assistant postmaster general's office has not been involved in any way in the fraud investigations which have been in course. Rumors have, however, been busy with affairs of the office, particularly the matters of weighing the mails and arranging the compensation of the railroads. The star route investigations have been in course for some time. McGinnis has been in the southwest for a number of weeks. He has reported violations of contract and suggested some changes in the manner of handling the star routes. A short time ago, when the second assistant postmaster general was in the southwest, he was determined to require that those who took the contract should be taken care of. McGinnis has been in the southwest for a number of weeks. He has reported violations of contract and suggested some changes in the manner of handling the star routes. A short time ago, when the second assistant postmaster general was in the southwest, he was determined to require that those who took the contract should be taken care of.

It was learned today that his office has recently come in for some severe criticism over the action in relating the big mail-hauling contract in New York city. It develops that the contract for the hauling was let to a contractor who had a bond was exacted, but later, with the permission of the department, the contractor sublet his contract to another contractor, who was both the contractor and the sub-contractor refuse to carry out the contract. The bonding company disclaims responsibility on the ground of the contractor's refusal to carry out the contract. The department was obliged to let a new contract yesterday at an advance of \$200,000 over the price agreed upon when the first contract was let. The bonding company will be sued, but it has been said that the second assistant's office did not make the original contractor's bond a condition of the contract. It is stated that in the end the government will have to pay the \$200,000.

Acting Postmaster General Wynne today signed the contract of Postmaster Herman H. Allen, N. J., to furnish the money order forms to the government during the next four years. The first forms are to be supplied under the new contract on September 1. The signature of the final papers ends the fight of the old contractors, the Wynkoff, Hallenbeck & Crawford company of New York having been assigned to the contract since the government was unable to get a contract from the Wynkoff company. Herman has met all the requirements of the government and has given a bond of \$100,000. The federal grand jury here resumed its consideration of postal cases today, but did not report the expected indictments. Assistant District Attorney Taggart was uncertain when the jury would get on its feet, but he is known that there is at least one witness who is to be examined regarding matters concerning George W. Beavers, already under indictment on account of alleged connection with the government purchase of postal supplies.

It is stated at the postoffice department that there is nothing particularly significant in the visit of Mr. Payne, the postmaster general, to President Roosevelt at Oyster Bay. Mr. Payne is on the return trip from the Midway Island tour. The president's home will be materially delayed his arrival in Washington. The president naturally desires to confer with the postmaster general, and as the former will be in the capital for some time, the presence of Mr. Payne affords a good opportunity for the conference.

SAW MARCUM FALL.

But Nobody Appears to Know Who Shot Him.

Cynthiana, Ky., July 30.—At today's session of the Jett and White trial S. S. Taulbee, clerk of Breathitt county, testified to seeing Marcum fall from a tree during the shooting. He did not see Jett in the street where the prisoner claims to have been at the time of the shooting.

Wm. Com